REMARKS

The Office Action dated November 10, 2004 has been carefully considered. Claims 1-17 are pending. The above amendments and following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1-2, 4, 7 and 12 have been amended in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Claims 1-4, 6-7, and 9-17 stand rejected under 35 U.S.C. § 102(e) in view of U.S. Patent 6,327,622 to Jindal et al. ("Jindal"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome.

Claim 1 has been amended to clarify a distinguishing feature of the present invention. The present invention encompasses "identifying a set of proxy points...; probing the proxy points to generate data *for each proxy point*; [and] generating a download predictor score for each mirror site based on the given data." Support for this amendment can be found, among other places, on page 3, line 16 through page 4, line 18 of the original Application.

The Jindal reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Jindal discloses a method for load balancing requests for an application among a plurality of instances of the application operating on a plurality of servers. In contrast with the cited reference, the claimed invention "identifies a set of proxy points that represents a given point in the Internet at which a trace originating from each of a set of mirror sites directed toward a given name server intersect." Each proxy point can be considered a point that represents a larger group of name servers. Then each proxy point is probed to generate given data for each proxy point. A predictor score is generated for the path between each mirror site and each proxy point. This feature allows any name server identified by a proxy point to utilize the mirror site that provides the best predicted download performance. Accordingly, the probing can be accomplished through a limited number of

proxy points without interrupting the flow of data to and from the name servers. The Jindal reference does not disclose the use of proxy points to generate a predictor score for the path between each mirror site and each proxy point.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. §102(e) in view of Jindal be withdrawn and that amended Claim 1 be allowed.

Claim 2 has been amended to clarify a distinguishing feature of the present invention. The global load balancing service of Claim 2 comprises "a network map that estimates relative connectivity to the mirror sites from *each of* a set of proxy points, *wherein each proxy point represents a set of local name servers*." Support for this amendment can be found, among other places, on page 3, line 16, through page 4, line 21 of the original Application.

The Jindal reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Jindal discloses a method for load balancing requests for an application among a plurality of instances of the application operating on a plurality of servers. In contrast with the cited reference, the claimed invention provides "a network map that estimates relative connectivity to the mirror sites from each of a set of proxy points." Each proxy point can be considered a point in the Internet that represents a larger group of name servers. To produce the network map each proxy point is probed to estimate the connectivity from each mirror site to each proxy point. This feature allows any name server identified by a proxy point to utilize the mirror site that provides the best predicted download performance. The use of proxy points also reduces the size of the network map and enables traffic redirection to be carried out for new local name servers. The Jindal reference

does not disclose the generation of a network map that estimates the relative connectivity between each mirror site and each proxy point.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 2. Applicants therefore submit that amended Claim 2 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. §102(e) in view of Jindal be withdrawn and that amended Claim 2 be allowed.

Claim 3 depends upon and further limits amended Claim 2. Hence, for at least the aforementioned reasons, this Claim should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejection of dependent Claim 3 also be withdrawn.

Claim 4 has been amended to clarify a distinguishing feature of the present invention. The global load balancing service of Claim 4 has "a network map that estimates relative connectivity to the mirror sites from *each of* a set of proxy points, *wherein each proxy point represents a set of local name servers*." Support for this amendment can be found, among other places, on page 3, line 16, through page 4, line 21 of the original Application.

The Jindal reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Jindal discloses a method for load balancing requests for an application among a plurality of instances of the application operating on a plurality of servers. In contrast with the cited reference, the claimed invention provides "a network map that estimates relative connectivity to the mirror sites from each of a set of proxy points." Each proxy point can be considered a point in the Internet that represents a larger group of name servers. To produce the network map each proxy point is probed to estimate the connectivity from each mirror site to each proxy point. This feature allows any name server identified by a proxy point to utilize the mirror site that provides the best

predicted download performance. The use of proxy points also reduces the size of the network map and enables traffic redirection to be carried out for new local name servers. The Jindal reference does not disclose the generation of a network map that estimates the relative connectivity between each mirror site and each proxy point.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 4. Applicants therefore submit that amended Claim 4 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 4 under 35 U.S.C. §102(e) in view of Jindal be withdrawn and that amended Claim 4 be allowed.

Claim 6 depends upon and further limits amended Claim 4. Hence, for at least the aforementioned reasons, this Claim should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejection of dependent Claim 6 also be withdrawn.

Claim 7 has been amended to describe a distinguishing feature of the present invention. The present invention describes: "from each of a set of data centers...executing a given network test against each of a set of core points, *wherein each core point represents a set of name servers...*; [and] generating a score for each data center per core point." Support for this amendment can be found, among other places, on page 3, line 16, through page 4, line 18 of the original Application.

The Jindal reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Jindal discloses a method for load balancing requests for an application among a plurality of instances of the application operating on a plurality of servers. In contrast with the cited reference, the claimed invention generates a score for each data center per core point. Each core point can be considered a point that represents a larger group of name servers. Each core point is probed to generate given data for each proxy point. Therefore, a score is produced for the path

between each data center and each core point and a network map is generated. This feature allows any name server identified by a core point to utilize the data center that provides the best predicted download performance. Furthermore, the use of core points reduces the size of the network map and enables traffic redirection to be carried out for new local name servers. The Jindal reference does not disclose the use of core points to generate a network map for the path between each data center and each core point.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 7. Applicants therefore submit that amended Claim 7 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 7 under 35 U.S.C. §102(e) in view of Jindal be withdrawn and that amended Claim 7 be allowed.

Claims 9-11 depend upon and further limit amended Claim 7. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 9-11 also be withdrawn.

Claim 12 has been amended to clarify a distinguishing feature of the present invention. The network map of Claim 12 "estimates relative connectivity to the mirror sites from *each of* a set of proxy points, *wherein each proxy point represents a set of local name servers*" Support for this amendment can be found, among other places, on page 3, line 16, through page 4, line 21 of the original Application.

The Jindal reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Jindal discloses a method for load balancing requests for an application among a plurality of instances of the application operating on a plurality of servers. In contrast with the cited reference, the claimed invention provides a network map "that estimates relative connectivity to the

mirror sites from each of a set of proxy points." Each proxy point can be considered a point in the Internet that represents a larger group of name servers. To produce the network map each proxy point is probed to estimate the connectivity from each mirror site to each proxy point. This feature allows any name server identified by a proxy point to utilize the mirror site that provides the best predicted download performance. The use of proxy points also reduces the size of the network map and enables traffic redirection to be carried out for new local name servers. The Jindal reference does not disclose the generation of a network map that estimates the relative connectivity between each mirror site and each proxy point.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 12. Applicants therefore submit that amended Claim 12 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 12 under 35 U.S.C. §102(e) in view of Jindal be withdrawn and that amended Claim 12 be allowed.

Claims 13-17 depend upon and further limit amended Claim 12. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 13-17 also be withdrawn.

Claims 5 and 8 stand rejected under 35 U.S.C. § 103(a) in view of Jindal and Microsoft Computer Dictionary 5th Edition ("Microsoft"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome. Claim 5 depends upon and further limits amended Claim 4, and Claim 8 depends upon and further limits amended Claim 7. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 5 and 8 also be withdrawn.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-17.

The Commissioner is hereby authorized to charge one thousand twenty dollars ($1,020.00) to cover a three-month extension of time fee to Deposit Account No. 501269 of Akamai Technologies, Inc. Applicants do not believe that any other fees are due; however, in the event that any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 501269 of Akamai Technologies, Inc.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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Dated: 5/10/05

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